

MINUTES

IMPERIAL BEACH CITY COUNCIL REDEVELOPMENT AGENCY PLANNING COMMISSION PUBLIC FINANCING AUTHORITY

MARCH 16, 2011

**Council Chambers
825 Imperial Beach Boulevard
Imperial Beach, CA 91932**

***CLOSED SESSION MEETING – 5:00 P.M.
REGULAR MEETING – 6:00 P.M.***

CALL TO ORDER

MAYOR JANNEY called the Closed Session Meeting to order at 5:00 p.m.

ROLL CALL

Councilmembers present:	Spriggs (arrived at 5:10 p.m.), Bragg, King
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem Present:	Bilbray
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

CLOSED SESSION

MOTION BY BILBRAY, SECOND BY KING, TO ADJOURN TO CLOSED SESSION UNDER:

1. PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Pursuant to Government Code Section 54957

Title: City Manager

2. CONFERENCE WITH REAL PROPERTY NEGOTIATORS

Pursuant to Government Code Section 54956.8:

Property: 1044-52 Fern Avenue, 110-126 Imperial Beach, CA 91932, APN 632-130-37

Agency Negotiator: City Manager and City Attorney

Negotiating Parties: Braudsand, LLC.

Under Negotiation: Instruction to Negotiators will concern price and terms of payment

3. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to subdivision (c) of Government Code section 54956.9

Name of Case: City of Brisbane, et al. v. The California State Board of Equalization

Case No.: CPF-09-509231, CPF-09-509232, CPF-09-509234

MOTION CARRIED BY THE FOLLOWING VOTE:

AYES:	COUNCILMEMBERS: KING, BRAGG, BILBRAY, JANNEY
NOES:	COUNCILMEMBERS: NONE
ABSENT:	COUNCILMEMBERS: SPRIGGS

MAYOR JANNEY adjourned the meeting to Closed Session at 5:01 p.m. and he reconvened the meeting to Open Session at 6:01 p.m.

Reporting out of Closed Session, CITY ATTORNEY LYON announced: Item No. 1 – Direction was given and no reportable action was taken; Item No. 2 was removed from the agenda; and Item No. 3 – City Council authorized the City to intervene in the lawsuit of City of Brisbane, et al. v. the California State Board of Equalization.

REGULAR MEETING CALL TO ORDER

MAYOR JANNEY called the Regular Meeting to order at 6:02 p.m.

ROLL CALL

Councilmembers present:	Spriggs, Bragg, King
Councilmembers absent:	None
Mayor present:	Janney
Mayor Pro Tem Present:	Bilbray
Staff present:	City Manager Brown; City Attorney Lyon; City Clerk Hald

PLEDGE OF ALLEGIANCE

MAYOR JANNEY led everyone in the Pledge of Allegiance.

AGENDA CHANGES

**MOTION BY KING, SECOND BY SPRIGGS, TO TAKE ITEM NO. 6.6 AFTER ITEM NO. 6.2.
MOTION CARRIED UNANIMOUSLY.**

**MAYOR/COUNCIL REIMBURSEMENT DISCLOSURE/COMMUNITY ANNOUNCEMENTS/
REPORTS ON ASSIGNMENTS AND COMMITTEES**

COUNCILMEMBER BRAGG thanked Public Safety Director Clark for his efforts when the City was recently under a Tsunami Advisory; she reported on her and Mayor Janney's attendance at the League of California Cities luncheon meeting and the Military Affairs Subcommittee meeting; she announced March through September is the nesting season for the Snowy Plover; and the Farmers Market will be celebrating their first year anniversary on Friday.

COUNCILMEMBER SPRIGGS reported on his attendance at the South County Economic Development Council (SCEDC) meeting where he shared the following priorities: place a link/information on the new hotel on the SCEDC website, promote regional ecotourism with Imperial Beach as a destination point; and for cross border efforts there is a need to encourage clean up of runoff to prevent pollution north of the border.

COMMUNICATIONS FROM CITY STAFF

CITY MANAGER BROWN announced a stakeholder meeting concerning sea level rise is scheduled for March 30, 2011.

PUBLIC COMMENT

None.

PRESENTATIONS (1)

None.

CONSENT CALENDAR (2.1 - 2.9)

COUNCILMEMBER SPRIGGS requested Item No. 2.7 be removed from the Consent Calendar for discussion at the end of the agenda.

MOTION BY BRAGG, SECOND BY BILBRAY, TO APPROVE CONSENT CALENDAR ITEM NOS. 2.2 THRU 2.6, 2.8 AND 2.9. MOTION CARRIED UNANIMOUSLY.

2.1 NO ITEM.

2.2 RATIFICATION OF WARRANT REGISTER. (0300-25)

Ratified the following registers: Accounts Payable Numbers 72762 through 72859 with the subtotal amount of \$1,708,538.86 and Payroll Checks 43628 through 43667 for the pay period ending 02/24/11 with the subtotal amount of \$145,838.59, for a total amount of \$1,854,377.45.

2.3 RESOLUTION NO. 2011-7014 - AUTHORIZING THE PURCHASE OF A REPLACEMENT ANIMAL CONTROL VEHICLE (EQUIPMENT# D-1). (0200-80)

Adopted Resolution.

2.4 RESOLUTION NO. 2011-7016 - INITIATING PROCEEDINGS FOR THE ANNUAL LEVY OF ASSESSMENTS AND ORDERING THE PREPARATION OF AN ENGINEER'S "REPORT" FOR A SPECIAL ASSESSMENT DISTRICT – AD-67M. (0345-10)

Adopted Resolution.

2.5 RESOLUTION NO. 2011-7013 - SETTING THE TIME AND PLACE FOR A PUBLIC HEARING AND FIRST READING OF ORDINANCE TO CONSIDER ADOPTION OF THE SEWER SERVICE CHARGE FOR FISCAL YEAR 2012. (0830-95)

Adopted Resolution.

2.6 RESOLUTION NO. 2011-7017 - SETTING THE TIME AND PLACE FOR PUBLIC HEARING TO REVIEW THE SETTING OF THE SEWER CAPACITY FEE FOR FY 2012. (0390-55)

Adopted Resolution.

2.8 COASTAL DEVELOPMENT PERMIT (CP 060441) AND FINAL MAP (FM 060442) FOR THE PROPOSED CONDOMINIUM CONVERSION OF SIXTEEN (16) UNITS LOCATED AT 777 SEACOAST DRIVE IN THE C-2 (SEACOAST COMMERCIAL) ZONE. MF 885. (0600-20)

Approved the Final Map for recordation.

2.9 RATIFY SELECTION OF MEMBERS FOR AD HOC COMMITTEE – HISTORIC WALK. (0410-50 & 0920-70)

Ratified Selection of Mayor Pro Tem Bilbray and Councilmember Bragg to serve on the ad hoc committee and dissolve the committee no later than May 31, 2011.

ORDINANCES – INTRODUCTION/FIRST READING (3)

None.

ORDINANCES – SECOND READING & ADOPTION (4)

None.

PUBLIC HEARINGS (5.1-5.3)

5.1 RESOLUTION NO. 2011-7015 – FINDING AND CONFIRMING ABATEMENT COSTS FOR THE ABATEMENT OF PUBLIC NUISANCE CONDITION(S), REGARDING THE PROPERTY AT 1257 EAST LANE IS APPROPRIATE AND ASSESSING COSTS OF ABATEMENT. (0470-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item and announced a revised staff report and Resolution No. 2011-7015 were submitted as last minute agenda information.

COMMUNITY DEVELOPMENT DIRECTOR WADE gave a PowerPoint presentation on the Item.

JOHN PAUL ENDER PALMER complained about the abatement process.

COUNCILMEMBER BRAGG encouraged staff to use local businesses whenever possible.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7015 – FINDING AND CONFIRMING ABATEMENT COSTS FOR THE ABATEMENT OF PUBLIC NUISANCE CONDITION(S), REGARDING THE PROPERTY AT 1257 EAST LANE IS APPROPRIATE AND ASSESSING COSTS OF ABATEMENT. MOTION CARRIED UNANIMOUSLY.

5.2 RESOLUTION NO. 2011-7018 – CONGREGATION OF JEHOVAH'S WITNESSES (APPLICANT/OWNER) AN ADMINISTRATIVE COASTAL PERMIT (ACP 090002), CONDITIONAL USE PERMIT (CUP 090003), DESIGN REVIEW CASE (DRC 090004), AND SITE PLAN REVIEW (SPR 090005) FOR THE DEMOLITION OF AN EXISTING CHURCH FACILITY AND CONSTRUCTION OF A NEW CHURCH FACILITY AT 853 EMORY STREET (APN 626-322-24-00), IN THE R-3000 (TWO FAMILY RESIDENTIAL) ZONE. MF 1003. (0600-20)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

ASSISTANT PLANNER FOLTZ gave a PowerPoint presentation on the item.

BRUCE DEHART spoke in support for the project.

EVAN LESLIE Project Engineer, gave a brief overview of the project and requested approval of the project.

KONRAD SIEGEL spoke in support for the project.

LOU ANN NOURSE submitted a speaker slip (did not speak).

MR. FOLTZ addressed the concerns raised in a letter from Bob and Yvonne Vasquez, dated March 12, 2011 (submitted as last minute agenda information).

MAYOR JANNEY expressed concern about the requirement for a parkway.

COMMUNITY DEVELOPMENT DIRECTOR WADE responded the City's policy has been to incorporate parkways when there is excess right of way.

COUNCILMEMBER BRAGG spoke positively of the congregation's efforts in maintaining the current property; she appreciated the proposed increase in parking and landscaping and spoke in support for the project.

MOTION BY KING, SECOND BY BILBRAY, TO ADOPT RESOLUTION NO. 2011-7018 – CONGREGATION OF JEHOVAH'S WITNESSES (APPLICANT/OWNER) AN ADMINISTRATIVE COASTAL PERMIT (ACP 090002), CONDITIONAL USE PERMIT (CUP 090003), DESIGN REVIEW CASE (DRC 090004), AND SITE PLAN REVIEW (SPR 090005) FOR THE DEMOLITION OF AN EXISTING CHURCH FACILITY AND CONSTRUCTION OF A NEW CHURCH FACILITY AT 853 EMORY STREET (APN 626-322-24-00), IN THE R-3000 (TWO FAMILY RESIDENTIAL) ZONE. MF 1003. MOTION CARRIED UNANIMOUSLY.

5.3 RESOLUTION NO. 2011-7010 – ADJUSTING A REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PLAN (RTCIP) FEE FOR FISCAL YEAR 2011-2012. (0680-95)

MAYOR JANNEY declared the public hearing open.

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN reported on the item.

MOTION BY BILBRAY, SECOND BY BRAGG, TO ADOPT RESOLUTION NO. 2011-7010 – ADJUSTING A REGIONAL TRANSPORTATION CONGESTION IMPROVEMENT PLAN (RTCIP) FEE FOR FISCAL YEAR 2011-2012. MOTION CARRIED UNANIMOUSLY.

REPORTS (6.1-6.6)

6.1 MONTHLY UPDATE REPORT ON THE REDEVELOPMENT OF THE SEACOAST INN HOTEL. (0660-43)

COUNCILMEMBER BRAGG announced she had a conflict of interest on the item due to the location of a previous place of employment and left Council Chambers at 6:47 p.m.

CITY MANAGER BROWN introduced the item.

ALLISON ROLFE, Project Manager, announced the loan for the new hotel closed today, construction will start on Monday, and the grand opening will be next summer.

COUNCILMEMBER KING suggested peep holes in the sound wall to allow views of the construction.

MAYOR JANNEY requested a copy of the letter that was sent to residents be provided to City Council and he thanked Pacifica, staff and the community for their efforts and support for the project.

COUNCILMEMBER BRAGG returned to Council Chambers at 7:01 p.m.

6.2 BUDGET UPDATE. (0330-30)

CITY MANAGER BROWN introduced the item.

FINANCE DIRECTOR MCGRANE gave a PowerPoint presentation on the item; he noted the following budget challenges: the single largest general fund expenditure is the County Sheriff's contract, PERS rates, PERS investment return, and the State's elimination of redevelopment; he noted that the goal is to minimize current service level reductions; and he reviewed suggestions for reducing expenses and other potential budget challenges.

6.6 DRAFT ENVIRONMENTAL ASSESSMENT (EA) HELICOPTER WINGS REALIGNMENT AND MH-60 R/S HELICOPTER TRANSITION AT NAVAL BASE CORONADO. (0620-80)

The following items were submitted as last minute agenda information:

- a. Addendum to the staff report
- b. Letter from the Department of the Navy, dated March 15, 2011
- c. E-mail correspondence received from Chris Hillger, dated March 10, 2011

CITY MANAGER BROWN introduced the item.

CITY PLANNER NAKAGAWA gave a PowerPoint presentation on the item.

JOHN MUNNS spoke in opposition to the proposed increase in Naval operations.

KASEY SIMONS encouraged City Council to take a negative position on the matter.

DANTE PAMINTUAN stated the environmental assessment is flawed, incomplete and one-sided; he encouraged City Council to seek a longer review period and to obtain more information before a decision is made.

NANCY DAYTON expressed disappointment with the noticing for the Navy's noise abatement conference; and she spoke about her negative experiences with the Navy' complaint reporting process.

DIANE RUSTON SOSA spoke in support for the no action alternative and she stated the report is flawed and inadequate.

MARY HENSLEY expressed concern about the increase in helicopter noise and activity, which has resulted in compromising the structural integrity of her home, and she was concerned about the impacts to the nesting birds.

ANDY ARCIGA did not speak.

CHRIS BROWN complained about the impacts to her home and nearby schools; she noted that the helicopters fly too low, too late and too far over into the neighborhood; and she spoke in opposition to the increased activity.

JIM DAVIS spoke in support for the Navy activity at Ream Field.

RICHARD PILGRAM stated the Environmental Assessment is flawed; he expressed concern about impacts to the estuary as well as the Navy's complaint system for over flights. he encouraged the City to work with the Navy on a good EIR and to also come up with modified flight patterns.

CHRISTINE HILLGER expressed concern about the proposed increase in helicopter activity, the noise impacts, the environmental impacts, and the need to clarify the hours for flight operations; she noted the report is flawed and questioned why Seaside Point was not included in the in the assessment; and she expressed concern about impacts to students at nearby schools.

In response to questions of City Council, MR. NAKAGAWA reviewed the Navy's environmental review process; he spoke about the differences between an EA and an EIS: the EA states that there would not be a significant impact to the environment as a result of this project (the increase in air operations and increase in aviation equipment); an EIS recognizes that there would be significant environmental impacts and the Navy would have to propose mitigation measures in order to reduce the significance of those impacts to a level of insignificance.

MAYOR JANNEY requested a copy the Navy's hours of operations be included as an attachment to the letter; he supported an additional review period of 30 days; and he encouraged the community to submit their written comments directly to the Navy.

COUNCILMEMBER SPRIGGS spoke of the need to provide evidence to the Navy that there are some environmental impacts that go beyond what is stated in the EA.

COUNCILMEMBER BRAGG suggested that the City contact former Mayors Rose and Bixler to submit letters as well as the local School Board; and she spoke of the need for additional time to review and comment on the EA.

COUNCILMEMBER KING spoke about the need for the Navy to thoroughly assess the environmental consequences of their actions that significantly affect the environment as per the National Environmental Policy Act.

CITY MANAGER BROWN stated that he would revise the letter based on the comments provided tonight as well as ask for a time extension of 30 days; and include language that encourages operations further south.

BRAGG lack of interaction with the schools and the estuary.

6.3 AUTHORIZATION FOR THE CITY OF IMPERIAL BEACH TO PROCEED WITH NEGOTIATING WITH THE CITY OF SAN DIEGO FOR THE PURPOSE OF ENTERING INTO AN AGREEMENT FOR PROVIDING CONTRACT EMERGENCY DISPATCH SERVICES TO THE CITY OF IMPERIAL BEACH FIRE AND LIFEGUARD DEPARTMENTS THROUGH THE SAN DIEGO FIRE AND LIFE SAFETY DEPARTMENT'S FIRE COMMUNICATIONS CENTER. (0250-32)

CITY MANAGER BROWN introduced the item and noted that with an agreement with the City of San Diego for emergency dispatch services, the City of Imperial Beach could have an annual savings of \$20,000 to \$30,000 per year.

PUBLIC SAFETY DIRECTOR CLARK reported on the item.

MOTION BY BRAGG, SECOND BY JANNEY, TO AUTHORIZE THE CITY MANAGER TO BEGIN NEGOTIATING A 5-YEAR AGREEMENT WITH THE CITY OF SAN DIEGO FOR THE PURPOSE OF PROVIDING CONSISTENT, RELIABLE AND COST EFFECTIVE EMERGENCY DISPATCH SERVICES. MOTION CARRIED UNANIMOUSLY.

6.4 UPDATE ON THE PREPARATION OF ZONING ORDINANCE AMENDMENTS, GENERAL PLAN AMENDMENTS AND THE ENVIRONMENTAL IMPACT REPORT ASSOCIATED WITH ADOPTION OF THE COMMERCIAL ZONING REVIEW RECOMMENDATIONS OF THE CITY COUNCIL. (0610-95)

CITY MANAGER BROWN introduced the item.

COMMUNITY DEVELOPMENT DIRECTOR WADE reviewed the process/steps towards preparation of the General Plan amendments.

6.5 RESOLUTION NO. 2011-7012 – AWARDED A CONTRACT FOR A CERTAIN PUBLIC WORKS PROJECT TO WIT – CIVIC CENTER CROSSWALK (CIP S09-102). (0650-33)

CITY MANAGER BROWN introduced the item.

PUBLIC WORKS DIRECTOR LEVIEN gave a PowerPoint presentation on the item.

MAYOR JANNEY expressed concern about the poles being placed in the sidewalk area and suggested that staff look at alternate sites for placement of the solar panel and pole.

MOTION BY BILBRAY, SECOND BY KING, TO ADOPT RESOLUTION NO. 2011-7012 – AWARDED A CONTRACT FOR A CERTAIN PUBLIC WORKS PROJECT TO WIT – CIVIC CENTER CROSSWALK (CIP S09-102). MOTION CARRIED UNANIMOUSLY.

ITEMS PULLED FROM THE CONSENT CALENDAR

2.7 ANNUAL FINANCIAL REPORT OF THE CITY OF IMPERIAL BEACH FOR THE YEAR ENDED JUNE 30, 2010. (0300-88 & 0310-30)

COUNCILMEMBER SPRIGGS stated he pulled the item for City Council to formally receive the financial report; he asked that in the future the auditors give a presentation to City Council and be available to answer questions.

MOTION BY KING, SECOND BRAGG, TO RECEIVE THE AUDITED CITY OF IMPERIAL BEACH FINANCIAL STATEMENTS FOR THE YEAR ENDING JUNE 30, 2010. MOTION CARRIED UNANIMOUSLY.

ADJOURNMENT

MAYOR JANNEY adjourned the meeting at 9:19 p.m.

James C. Janney, Mayor

Jacqueline M. Hald, CMC
City Clerk